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### MISCELLANY.

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AMENDED RULES AND REGULATIONS FOR LICENSING PERSONS TO PRACTICE LAW IN VIRGINIA.—1. Every person applying for a license to practice law must first have obtained from the Circuit Court for the County or the Corporation Court of the city wherein he resides a certificate that he is a person of honest demeanor, is over the age of twenty-one years, and has resided in this state the preceding six months. The application for such certificate shall be by writing, addressed to the court, specifying the day when the motion therefor to the court will be made, and be accompanied by the written recommendation of two members of the bar of his judicial circuit, who are practicing attorneys in this court, that he is of good moral character and a proper person to be licensed to practice law. Such application and recommendation shall be filed with the clerk of such Circuit or Corporation Court ten days before the day on which the court will be asked to grant the said certificate, and a copy thereof forthwith delivered by the clerk to the judge of the court.

2. Every applicant for examination for a license to practice law shall file with the clerk of this court, on or before the first day of the term at which he proposes to be examined, except the term at Wytheville, such certificate of his Circuit or Corporation Court, and also a certified copy of his application therefor, and of the recommendation of the members of the bar which accompanied the same, which, in the absence of evidence to the contrary, will entitle him to be examined for a license. Any applicant who desires to be examined at the term at Wytheville shall file the said papers with the clerk of the court at that place, on or before the 20th day of June.

3. An annual examination will be held as follows: At Richmond on the first Friday of the January term, and at Wytheville the 24th day of June. No examination of any applicant will be made at any other time than on the days herein named.

4. The questions and answers of every examination will be in writing, but where the judges are in doubt as to the result of the examination of any applicant, he shall be liable also to an oral examination.

5. All applicants will be liable to be examined upon the following subjects, viz: Real and Personal Property, Domestic Relations, Contracts, Agency, Partnership, Negotiable Instruments, Insurance, Corporations, Wills and Personal Representatives, Torts, Equity Jurisprudence, Pleading and Practice at Law and in Equity, Evidence, Crimes and Criminal Procedure, and the Code of Virginia.

6. Every applicant will be required to affix to his examination, and subscribe with his own name, the following pledge: "I hereby certify that I have neither received nor given aid or assistance in any manner during this examination."—Order of Supreme Court of Appeals, September, 1904.

QUALIFICATIONS REQUIRED TO REGISTER AND VOTE UNDER THE PRESENT CONSTITUTION AND LAWS OF VIRGINIA.—Registrations were held in the fall of 1902 and 1903 under an ordinance of the Constitutional Convention and pursuant to the qualifications prescribed in sections 18 and 19 of the Constitution.

These two registrations constitute a permanent roll, and those persons who were enrolled at either of said registrations will never be required to register again unless they cease to be residents of this state, or become disqualified by conviction for crime, etc. Constitution, sections 19 and 23.

As the ordinance aforesaid and the provisions of sec. 19 of the Constitution became inoperative and are not applicable to any registration held after the first day of January, 1904, it is needless to repeat the provisions of them here.

Since the first day of January, 1904, all registrations are governed by the provisions of sections 18 and 20 of the Constitution, and the laws passed in pursuance of the authority of section 25 of the Constitution. These laws embody the qualifications as to citizenship, age and residence prescribed by sec. 18 and the other qualification in sec. 20 of the Constitution, and are as follows:

#### 1. WHO MAY BE REGISTERED.

(a) Every male citizen of the United States who shall be twenty-one years of age at the next election,

(b) Who has been a resident of this state two years, of the county, city or town one year, and of the precinct in which he offers to register thirty days next preceding the election,

(c) Who, at least six months prior to the election, has paid to the proper officer all state poll taxes assessed or assessable against him under *this* or the *former Constitution* for the *three years* next preceding that in which he offers to register.<sup>1</sup>

(d) The applicant must appear before the registrar in person and unless physically unable to do so, shall make application in his own hand-writing, answering all questions required in the blank form furnished, as to name, age, residence, occupation, etc. If the applicant become of age at such time that no poll tax shall be assessable against him for the year preceding the year in which he offers to register, he shall have paid \$1.50 in satisfaction of the first year's poll-tax assessable against him. Code of 1887, sec. 73, as amended.

#### 2. WHEN VOTERS REGISTERED.

(a) Each registrar shall annually, on the third Tuesday in May, register all qualified voters within his election district not previously registered in the said district;

<sup>1</sup>The attorney general, Hon. Wm. A. Anderson, has given an opinion that the provision in the statute requiring the payment of the above tax six months previous to the election is void, as adding a qualification to those prescribed by the Constitution.

Is this an additional qualification, or simply a legislative *regulation* of the exercise of the constitutional right? If the latter, it is not void, for the courts have held in innumerable cases that it is competent for the legislature to *regulate* the exercise of the elective franchise, provided the regulation is reasonable, uniform and impartial.

(b) That thirty days previous to the November elections the registrar shall sit one day for the purpose of amending and correcting the list, at which time any qualified voter applying, and not previously registered, may be added;

(c) The registrar shall, *at any time previous to the regular days of registration, register any voter entitled to vote* at the next succeeding election *who may apply to him to be registered.* Code of 1887, sec. 78, as amended.

### 3. REGISTERING ON TRANSFERS.

A voter is entitled to a transfer at any time to any other locality in the state to which he may have moved upon application, *in person or in writing*, to the registrar of his former precinct: But if the precinct or district to which he has moved be in the *same county* he must have resided in said precinct or district *thirty days* before he can be registered therein on his transfer; and if the transfer be to a precinct or district in some *county, city, or town other than that from which he is transferred* he must have resided in said county, city or town *twelve months* before he can register therein on his transfer. Having the qualifications of residence he may register on his transfer any time up to and including the regular days of registration. It is specially provided that, "Removal from one precinct to another, in the *same county, city or town* shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of thirty days after such removal." Constitution, sec. 18, and Code 1887, sec. 80, as amended, also *Everhart v. Board of Registrars*, Loudoun county, petition for writ of error to Circuit Court of said county. Petition refused by Supreme Court of Appeals.

### 4. RIGHT OF APPEAL TO ANY PERSON DENIED REGISTRATION.

Any person denied registration has the right of appeal to the Circuit Court of the county or Corporation Court of the city, as the case may be, or the judge of either of said courts in vacation, without payment of writ tax or giving security for costs, and thence to the Supreme Court of Appeals. Code 1887, sec. 83, as amended.

### 5. WHO MAY VOTE.

All persons who are registered, and who have, at least six months prior to the election, paid all state poll-taxes assessed or assessable against them under the *present* Constitution during the three years next preceding that in which they offer to vote; provided that persons who served during the late war between the states in the army or navy of the United states or the Confederate States, or any state of the United States, or of the Confederate States, are exempt from the payment of any poll-tax as a prerequisite to the right to register or vote. In the present year (1904) the poll-tax provision applies to the tax for 1903, because that is the only poll-tax assessed or assessable under the present Constitution for any year preceding 1904. Persons registered prior to the first day of January, 1904, may be assisted in the preparation of their ballots by the election officers, but those registered subsequent to that date must prepare and deposit their own ballots

without assistance, unless physically unable so to do. Constitution, secs. 21 and 22.

#### 6. REGISTRATION ON ELECTION DAY.

There is no provision for the registration of voters on the day of election, except that it is probable that a person coming of age on the day of election, and being qualified as to residence and in all other respects, would be entitled, under the provisions of sec. 26 of the Constitution, to be admitted to registration and allowed to vote.

#### 7. REGISTERING BY PROXY.

There can be no registering by proxy.

#### 8. GOVERNMENT EMPLOYEES IN WASHINGTON.

Persons residing in the District of Columbia in the civil service of the Federal Government, with a *bona fide* intent not to relinquish or surrender their former state residence, are held not to have lost or forfeited the same in the states from which they are appointed, or have so temporarily removed; and, fulfilling the other requirements as to age and payment of poll-tax, would be entitled to register and vote in the precinct of the county, city or town where they resided before going to Washington and entering the civil service of the Federal Government. *Lindsay v. Murphy*, 76 Va. 428; *Dennis v. State*, 17 Fla. 389; *Hannon v. Grizzard*, 89 N. C. 115; *Walcott v. Holcomb*, 97 Mich. 361; *Langford v. Gebhart*, 130 Mo. 621.

*Richmond, Va.*

ALEXANDER SIDNEY LANIER.